

## **REMARKS**

In the Final Action dated December 30, 2005, claims 68, 71 and 74-78 are pending. Claim 71 is allowed. The Examiner suggests that Applicants should enter certain references that were submitted in an IDS on January 7, 2002 into an official 1449 form. Claims 68 and 74-77 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claims 68 and 74-77 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 78 is objected to as allegedly dependent upon a rejected base claim.

This Response addresses each of the Examiner's objections and rejections. Applicants therefore respectfully submit that the present application is in condition for allowance. Favorable consideration of all pending claims is therefore respectfully requested.

In the first instance, Applicants, through the undersigned, thank the Examiner for the courtesy and assistance extended in a telephonic interview conducted on February 9, 2006.

Before addressing the merits of the above rejections and objections, Applicants have amended claims 68, 74-76 and 78. Applicants have also added claims 79-83. Claim 77 is canceled, without prejudice. Support for the amendments and new claims can be found throughout the specification, e.g., on page 39, lines 4-9, page 17, lines 9-12, and Example 5, beginning on page 44. No new matter is introduced by the foregoing amendments or new claims.

Pursuant to the Examiner's advice, Applicants have enclosed a 1449 form that identifies all the references that were submitted in an IDS on January 7, 2002.

Claims 68 and 74-77 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Specifically, the Examiner acknowledges that page 17 of the specification

teaches "medium stringency" and "high stringency" conditions. However, the Examiner alleges that it is not clear what other conditions are embraced by the term "medium stringency" or "high stringency."

Applicants respectfully submit that the language of claims 68 and 74-77 as previously presented is clear in view of the disclosure of the specification which employs well-recognized terms in the art. However, in an effort to favorably advance prosecution, Applicants have canceled claim 77 and amended claims 68 and 74-76 to recite the specific high stringency conditions as described in the specification. As such, Applicants respectfully submit that claims 68 and 74-76, as amended, are clear and definite. In addition, the rejection of claim 77 is rendered moot.

Accordingly, the rejection of Claims 68 and 74-77 under 35 U.S.C. §112, second paragraph, is overcome and withdrawal thereof is respectfully requested.

Claims 68 and 74-77 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner appears to be of the opinion that notwithstanding the recitation of the hybridization conditions, the previously presented claims still lack sufficient descriptive support. During the telephone interview dated February 9, 2006, the Examiner stated that she would not allow claims 68 and 74-77 unless the claims are amended to recite specific parameters of high stringency conditions. During the interview, the Examiner also questioned whether 42<sup>0</sup>C is a temperature sufficiently high for high stringency hybridization and washing conditions.

In an effort to favorably advance prosecution, Applicants have canceled claim 77 and amended claims 68 and 74-76 to recite the specific high stringency conditions as described in the specification, e.g., on page 17, the first full paragraph. In addition, Applicants respectfully

submit that it is well known in the art that temperature alone is not a conclusive factor for the degree of stringency. Applicants submit that the specified salt and detergent concentrations as described in the specification, in combination with the temperature of 42<sup>0</sup>C, define high stringency condition to one skilled in the art. Thus, Applicants respectfully submit that claims 68 and 74-76, as amended, are sufficiently described in the specification in such a way that one skilled in the art, at the time the present application was filed, would reasonably believe that the present inventors had the possession of the claimed subject matter. The rejection of claim 77 is moot in view of the cancellation of the claim.

Accordingly, the written description rejection of claims 68 and 74-77 under 35 U.S.C. §112, first paragraph, is overcome and withdrawal thereof is respectfully requested.

Claim 78 is objected to as dependent upon a rejected base claim. The Examiner states that claim 78 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicants have amended claim 78 into independent form. In addition, claim 78, as amended, also recites "a fragment" of the claimed isolated proteinaceous molecule. Support for a fragment of the claimed isolated proteinaceous molecule can be found in the specification, e.g., on page 39, the first full paragraph.

Accordingly, Applicants respectfully submit that claim 78, as amended, is sufficiently supported by the present application. Therefore, the objection to claim 78 is obviated and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank S. DiGiglio', with a stylized flourish at the end.

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